IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 945 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? :

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

UMESHSINH DIPSINH RATHOD

Versus

STATE OF GUJARAT

Appearance:

MR DR DAVE for MR AD OZA for Petitioner

MR ND GOHIL, AGP for Respondents.

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 18/01/2001

ORAL JUDGEMENT

This petition was connected with the group of similar other matters which have been decided by this Court by the order dated 28-7-2000 whereby the impugned orders and actions of in the above group of matters to the extent that grants were withheld or refused on the ground of want of ownership of the land, have been set

aside and the concerned authorities have been directed to reconsider the cases of the petitioners of those petitions in the light of the observations made in the judgment dated 28-7-2000 and shall pass fresh orders within two months from the date of the receipt of the writ of the said order in accordance with law. The petitioners of aforesaid ground of matters were at liberty to make a representation in their respective cases as stated by their counsel within two weeks from the date of the order. If such representations are made, they will be duly considered before making the order.

2. Learned counsel for the petitioner makes a statement that this case is also covered by the aforesaid judgment dated 28-7-2000 of this Court rendered in the aforesaid group of matters. In view of that judgment, this petition is allowed and the impugned order at Annexure-C is quashed and set aside and accordingly the respondents are hereby directed that in case the petitioner makes a representation, the authority concerned shall decide the same in accordance with law in light of the observations of the aforesaid judgment dated 28-7-2000 rendered in the above group of matters. The petitioner will make a representation along with the copy of the order dated 28-7-2000 passed in the above group of matters. Rule is made absolute to the aforesaid extent with no order as to costs.

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/JVSatwara/